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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/800,055	03/12/2004	Ke-Chi Jang	NRT.0118US (15982RRUS02U)	8576
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TROP PRUNER & HU, PC 8554 KATY FREEWAY SUITE 100 HOUSTON, TX 77024			DESIR, PIERRE LOUIS	
			ART UNIT	PAPER NUMBER
			2617	

DATE MAILED: 05/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/800,055

Applicant(s)

JANG ET AL.

Examiner

Pierre-Louis Desir

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-5,7-9,11-23 and 25-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-5,7-9,11-23 and 25-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>03/12/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

Response to Arguments

2. Applicant's arguments with respect to claim 8 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's arguments filed 02/23/2006 have been fully considered but they are not persuasive.

Applicant argues that Havinis does not disclose a paging message containing the indication communicated to a mobile station. Applicant further argues that Havinis discloses that if the requesting LA is an emergency application or a law enforcement application, then the request message 275 is not sent to the mobile station.

Examiner respectfully disagrees. Havinis discloses a method wherein when a positioning request 285 for a target MS 20 is received by receiving logic 13 within a serving Mobile Switching Center (MSC) 14, notification logic 11 within the MSC 14 can send a new DTAP request message 275, which contains a similar indicator to that of the SETUP message in mobile-terminating calls, to receiving logic 24 within the MS 20 (see col. 5, lines 27-41). Havinis also discloses that when the LA 280 is an emergency center or a law enforcement agency, the community interest in positioning the MS 20 outweighs the subscriber's need for privacy. In this case, the privacy settings of the subscriber will need to be overridden in order for the emergency center or law enforcement agency to position the MS 20. In addition, LAs 280 may need to have

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the ability to override other location settings established by the subscriber. Privacy Override Indicator (POI) can be provided by network operators to allow an LA 280 to override the subscriber's privacy settings in order to obtain the location of the mobile subscriber (see col. 2, line 42 to col. 3, line 7). And, as known in the art, the mobile station has to be paged in order to be positioned. Thus, the mobile station inherently receives a paging message. Thus, if the LA is an emergency application or a law enforcement application, the request message 275 is not sent to the mobile station since the LA in case of an emergency application or a law enforcement application can override the privacy settings. The mobile station would receive a positioning request 285 not the request message 275. A number of positioning mechanisms may be used to obtain the mobile station position. Mobile station can collect positioning data based on the Observed Time Difference (OTD) between the time a BTS sends out a signal and the time the mobile station receives the signal. This time difference information can be sent to the MLC for calculation of the location of the mobile station (see col. 2, lines 12-41). Also, as known in the art, mobile station with knowledge of the location of the BTS can determine its own location. Therefore, for the mobile station to be able to collect positioning data or for positioning data to be collected, the mobile station has to inherently be paged. Also, when the location application is an emergency application or a law enforcement application the positioning request will have an indication to indicate that the positioning request is from an emergency application or a law enforcement application so that the overridden procedure to take place.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 11, 13, 15-23, 25-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Havinis et al. (Havinis), U.S. Patent No. 6311069.

Regarding claim 1, Havinis discloses a method of performing a location service with respect to a mobile station (see abstract), comprising: communicating, to the mobile station a paging message containing an indication of whether the paging message is related to at least one of an emergency-related location service and a law enforcement-related location service (i.e., when a positioning request 285 for a target MS 20 is received by receiving logic 13 within a serving Mobile Switching Center (MSC) 14, notification logic 11 within the MSC 14 can send a new DTAP request message 275, which contains a similar indicator to that of the SETUP message in mobile-terminating calls, to receiving logic 24 within the MS 20 (see col. 5, lines 27-41). Havinis also discloses that when the LA 280 is an emergency center or a law enforcement agency, the community interest in positioning the MS 20 outweighs the subscriber's need for privacy. In this case, the privacy settings of the subscriber will need to be overridden in order for the emergency center or law enforcement agency to position the MS 20. In addition, LAs 280 may need to have the ability to override other location settings established by the subscriber. Privacy Override Indicator (POI) can be provided by network operators to allow an LA 280 to override the subscriber's privacy settings in order to obtain the location of the mobile subscriber (see col. 2, line 42 to col. 3, line 7). And, as known in the art, the mobile station has to be paged

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in order to be positioned. Thus, the mobile station inherently receives a paging message. Thus, if the LA is an emergency application or a law enforcement application, the request message 275 is not sent to the mobile station since the LA in case of an emergency application or a law enforcement application can override the privacy settings. The mobile station would receive a positioning request 285 not the request message 275. A number of positioning mechanisms may be used to obtain the mobile station position. Mobile station can collect positioning data based on the Observed Time Difference (OTD) between the time a BTS sends out a signal and the time the mobile station receives the signal. This time difference information can be sent to the MLC for calculation of the location of the mobile station (see col. 2, lines 12-41). Also, as known in the art, mobile station with knowledge of the location of the BTS can determine its own location. Therefore, for the mobile station to be able to collect positioning data or for positioning data to be collected, the mobile station has to inherently be paged. Also, when the location application is an emergency application or a law enforcement application the positioning request will have an indication to indicate that the positioning request is from an emergency application or a law enforcement application so that the overridden procedure to take place); and receiving information regarding the location of the mobile station (see col. 9, lines 2-7).

Regarding claim 11, Havinis discloses a method (see claim 1 rejection) further comprising sending a position determination data message (PDDM) containing an indication of whether the PDDM is related to at least one of an emergency-related location service and a law enforcement-related location service (i.e., the location application, which requests positioning is identified with the received request whether or not it is an emergency-related location service or law enforcement-related service. Thus, the forwarded location determination message inherently

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contains the indication that identifies the Location application type) (see col. 7, lines 50-52, and col. 9, lines 2-7).

Regarding claim 13, Havinis discloses a method (see claim 11 rejection) further comprising: receiving a position request containing a field indicating whether the position request is related to at least one of the emergency-related location service and the law enforcement-related location service (i.e., the MSC receives a positioning request from a Location Application (LA) with the LA's identity, which identified whether the location application) (see col. 5, lines 27-30, and lines 50-52); and setting a state of the indication in the PDDM based on a state of the field in the position request (see col. 2, line 65 to col. 3, line 2, col. 5, lines 50-52, and col. 7, lines 50-52, and col. 9, lines 2-7).

Regarding claim 15, Havinis discloses a method comprising: receiving a paging message by a mobile station that is not on a traffic channel (i.e., if the MS is in idle mode, the VLR performs paging of the MS) (see col. 8, lines 9-12) and that is configured to accept an emergency-related location service or a law enforcement-related location service (see col. 2, line 59 to col. 3, line 2) but not a value-added service location service (see col. 6, lines 27-29), the paging message containing an indication that the paging message is related to at least one of the emergency-related location service and the law enforcement-related service (see col. 2, line 12 to col. 3, line 7, col. 5, lines 27-41); and the mobile station responding to the paging message by sending a page response indicating acceptance of a location service-related service option specified in the paging message (see col. 6, lines 1-35).

Regarding claim 16, Havinis discloses a method (see claim 15 rejection) further comprising the mobile station determining, by examining the paging message, that the location

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service-related service option requested in the paging message should be accepted, based on association of the paging message with either an emergency-related location service or a law enforcement-related location service (see col. 2, line 65 to col. 3, line 2, and col. 6, lines 1-12).

Regarding claim 17, Havinis discloses a method further comprising: the mobile station communicating position determination data messages (PDDMs) on the traffic channel with a position determination entity (PDE) (see col. 8, line 56 to col. 9, line 7); the mobile station determining whether one or more received PDDMs are related to the emergency-related location service or law enforcement-related location service (see col. 2, line 65 to col. 3, line 2, and col. 6, lines 1-12); and in response to determining that the one or more received PDDMs are related to the emergency-related location service or law enforcement-related location service, the mobile station accepting request elements in the one or more received PDDMs (see col. 2, line 12 to col. 3, line 7, and col. 6, lines 14-22).

Regarding claim 18, Havinis discloses an article comprising at least one storage medium containing instructions (see abstract) that when executed cause a mobile station in a wireless communications network to: receive messaging to cause the mobile station to move to a traffic channel in response to a callback by at least one of an emergency services entity and a law enforcement entity (see col. 8, lines 9-16, also refer to col. 2, line 65 to col. 3, line 2); receive a location request on the traffic channel containing an indication of that the location request is related to at least one of an emergency-related location service and a law enforcement-related location service (i.e., a positioning request for a target MS is received by receiving logic within a serving MSC. The Location Application identity of the requesting LA is received with the positioning request, which indicate that the Location application is an emergency center or law

enforcement LA 280 position the MS) (see col. 2, lines 47-50, and col. 5, lines 27-30, and lines 50-52); and send location information of the mobile station in response to the location request (i.e., positioning of the mobile station is performed, wherein the emergency call is routed to the appropriate PSAP and emergency services can be dispatched to the current location (i.e., the location information is forwarded to the requesting LA) (see col. 9, lines 2-7).

Regarding claim 19, Havinis discloses an article (see claim 18 rejection) wherein receiving the location request comprises receiving a position determination data message (PDDM) containing the indication (i.e., a positioning request for a target MS is received by receiving logic within a serving MSC. The Location Application identity of the requesting LA is received with the positioning request, which indicate that the Location application is an emergency center or law enforcement LA 280 position the MS) (see col. 5, lines 27-30, and lines 50-52).

Regarding claim 20, Havinis discloses an article (see claim 18 rejection) wherein the mobile station has been configured to accept an emergency-related location service or a law enforcement-related location service (see col. 2, line 65 to col. 3, line 2) but not a value-added service location service (see col. 6, lines 27-29), the instructions when executed causing the mobile station to determine whether to accept the location request based on the indication contained in the location request, wherein sending the location information is performed in response to determining that the location request is to be accepted (see col. 6, lines 1-35).

Regarding claim 21, Havinis discloses an article (see claim 18 rejection) wherein the instructions when executed cause the mobile station to further: receive a page from a base station, (see fig. 7, col. 8, lines 56-58) the page containing an indication that the page is

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associated with at least one of an emergency-related location service and a law enforcement-related location service (i.e., a positioning request for a target MS is received by receiving logic within a serving MSC. The Location Application identity of the requesting LA is received with the positioning request, which indicate that the Location application is an emergency center or law enforcement LA 280 position the MS) (see col. 2, lines 47-50, and col. 5, lines 27-30, and lines 50-52); and respond to the page by accepting a service option of the page based on the indication (see col. 7, lines 11-24).

Regarding claim 22, Havinis discloses a system comprising: an interface (i.e., LA 280) to communicate a paging message to a mobile station (i.e., positioning request 285) (see fig. 4, col. 2, line 12 to col. 3, line 7, col. 5, lines 27-41); and a controller (i.e., GMLC) to set an indication in the paging message for indicating that the paging message is related to at least one of an emergency-related service and a law enforcement-related location service (see col. 2, line 59 to col. 3, line 2).

Regarding claim 23, Havinis discloses a system (see claim 22 rejection) wherein the controller is adapted to send the paging message to the mobile station in response to an idle-mode query initiated by an emergency services entity to the mobile station (see col. 8, lines 9-16).

Regarding claim 25, Havinis discloses a system (see claim 22 rejection) comprising a base station including the interface and controller (see fig. 5), wherein the paging message comprises a page from the base station to the mobile station (see fig. 7, col. 8, lines 56-58).

Regarding claim 26, Havinis discloses a system (see claim 22 rejection) wherein the controller is adapted to send data over a traffic channel, the data comprising a position

determination data message (PDDM) containing an indication of whether the PDDM is related to emergency services (i.e., the location application, which requests positioning is identified with the received request whether or not it is an emergency-related location service or law enforcement-related service. Thus, the forwarded location determination message inherently contains the indication that identifies the Location application type) (see col. 7, lines 50-52, and col. 9, lines 2-7).

Regarding claim 27, Havinis discloses a mobile station (see abstract and figs. 4-5) comprising: an interface to receive a page containing an indication of whether the page is related to at least one of an emergency-related location service and a law enforcement-related location service (i.e., a positioning request for a target MS is received by receiving logic within a serving MSC. The Location Application identity of the requesting LA is received with the positioning request, which indicate that the Location application is an emergency center or law enforcement LA 280 position the MS) (see col. 2, lines 47-50, and col. 5, lines 27-30, and lines 50-52); and a controller (i.e., mobile station) to respond to the page based on the indication (see col. 6, lines 1-35).

Regarding claim 28, Havinis discloses a mobile station (see claim 27 rejection) wherein the mobile station is configured to accept a service option specified by a page relating to an emergency-related location service or a law enforcement-related location service (see col. 2, line 59 to col. 3, line 2), but not to accept another service option specified by a page relating to a value-added location service (see col. 6, lines 27-29), the controller to accept the received page in response to the indication indicating that the page is related to the emergency-related location

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service or law enforcement-related location service (see col. 6, lines 1-35, also refer to col. 2, line 59 to col. 3. line 2).

Regarding claim 29, Havinis discloses a mobile station (see claim 28 rejection) wherein the received page contains a first information element to indicate that the page is location-related (i.e., in case of commercial LA, a DTAP request message with an indicator is sent) (see col. 5, lines 27-41, and col. 7, lines 30-42), and a second information element to indicate that the page relates to an emergency service or a law enforcement service (i.e., specific Location Application, such as law enforcement or E911, can be assigned a POI with the value “allowed to override subscriber’s privacy setting”) (see col. 2, line 65 to col. 3, line 2).

Regarding claim 30, Havinis discloses a mobile station (see claim 27 rejection) comprising one of a mobile phone, a portable computer with a wireless modem, a wireless-enabled personal digital assistant (PDAs), and a global positioning system (GPS) device (i.e., mobile station) (see abstract, figs. 4-5).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Havinis in view of Havinis et al. (Havinis II) U.S. Patent No. 6195557.

Regarding claim 8, Havinis discloses a method of performing a location service with respect to a mobile station, comprising: communicating a paging message in a mobile communication network containing an indication of whether the paging message is related to at least one of an emergency-related location service and a law enforcement-related location service (i.e., when a positioning request 285 for a target MS 20 is received by receiving logic 13 within a serving Mobile Switching Center (MSC) 14, notification logic 11 within the MSC 14 can send a new DTAP request message 275, which contains a similar indicator to that of the SETUP message in mobile-terminating calls, to receiving logic 24 within the MS 20 (see col. 5, lines 27-41). Havinis also discloses that when the LA 280 is an emergency center or a law enforcement agency, the community interest in positioning the MS 20 outweighs the subscriber's need for privacy. In this case, the privacy settings of the subscriber will need to be overridden in order for the emergency center or law enforcement agency to position the MS 20. In addition, LAs 280 may need to have the ability to override other location settings established by the subscriber. Privacy Override Indicator (POI) can be provided by network operators to allow an LA 280 to override the subscriber's privacy settings in order to obtain the location of the mobile subscriber (see col. 2, line 42 to col. 3, line 7). And, as known in the art, the mobile station has to be paged in order to be positioned. Thus, the mobile station inherently receives a paging message. Thus, if the LA is an emergency application or a law enforcement application, the request message 275 is not sent to the mobile station since the LA in case of an emergency application or a law enforcement application can override the privacy settings. The mobile station would receive a positioning request 285 not the request message 275. A number of positioning mechanisms may be used to obtain the mobile station position. Mobile station can collect positioning data based on

the Observed Time Difference (OTD) between the time a BTS sends out a signal and the time the mobile station receives the signal. This time difference information can be sent to the MLC for calculation of the location of the mobile station (see col. 2, lines 12-41). Also, as known in the art, mobile station with knowledge of the location of the BTS can determine its own location. Therefore, for the mobile station to be able to collect positioning data or for positioning data to be collected, the mobile station has to inherently be paged. Also, when the location application is an emergency application or a law enforcement application the positioning request will have an indication to indicate that the positioning request is from an emergency application or a law enforcement application so that the overridden procedure to take place); communicating information regarding the location of the mobile station (see col. 9, lines 2-7); the mobile switching center receiving a position request containing a field indicating whether the position request is related to at least one of the emergency-related location service and the law enforcement-related location service (see col. 5, lines 27-41); and the mobile switching center setting a state of the indication in the paging request based on the field contained in the position request (see col. 5, lines 50-52).

Although Havinis discloses a method as described, Havinis does not specifically disclose a method wherein communicating the paging message comprises sending a paging request containing the indication from a mobile switching center to a base station.

However, Havinis II discloses a method wherein communicating the paging message comprises sending a paging request containing the indication from a mobile switching center to a base station (see col. 6, line 62-to col. 7, line 2).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings as described to arrive at the claimed invention. A motivation for doing so would have been to accurately determine the location of the MS.

Regarding claim 7, Havinis discloses a method (see claim 8 rejection) comprising sending a paging request from a MSC to a base station (see fig. 7, col. 8, lines 36-37).

Although Havinis discloses a method as described, Havinis does not specifically disclose sending the paging request comprises sending an IS-2001 paging request.

However, Applicant has not disclosed that having a paging request comprising an IS-2001 paging request solves or accomplishes any stated problem. Moreover, it appears that the paging request disclosed by Havinis would have been sent to the base station whether or not the paging request comprises was an IS-2001 paging request.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention to have considered that the paging request disclosed by Havinis comprising an IS-2001 paging request because such consideration would have been perceived as a mere design consideration which fails to patentably distinguish over the prior art of Havinis.

7. Claims 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Havinis.

Regarding claim 3, Havinis discloses a method as described above (see claim 2 rejection).

Although Havinis discloses a method as described, Havinis does not specifically disclose wherein communicating the page containing the indication comprises sending one of a general

page message (GPM) containing the indication and a universal page message (UPM) containing the indication.

However, Havinis discloses a method wherein if the MS is in idle mode, the VLR performs paging (inherently comprising) and authentication of the MS. Thus, the MSC/VLR sends paging message to the MS. Applicant has not disclosed that having a page comprising of a general page message or a universal page message solves or accomplishes any stated problem.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the page disclosed by Havinis such that the page could comprise a universal page message or General page message because such modification would have been considered a mere design consideration which fails to patentably distinguish over the prior art of Havinis.

Regarding claim 4, Havinis discloses a method (see claim 3 above) wherein sending the page comprises sending the page containing a first information element to identify service option 35 or service option 36 (i.e., in case of commercial LA, a DTAP request message with an indicator is sent) (see col. 5, lines 27-41, and col. 7, lines 30-42) and a second information element to indicate whether the page is related to the emergency-related location service or law enforcement-relate location service (i.e., a positioning request for a target MS is received by receiving logic within a serving MSC. The Location Application identity of the requesting LA is received with the positioning request, which indicate that the Location application is an emergency center or law enforcement LA 280 position the MS) (see col. 2, lines 47-50, and col. 5, lines 27-30, and lines 50-52).

Regarding claim 5, Havinis discloses a method (see claim 4 rejection) further comprising a base station setting a state of the second information element based on a state of a field in a paging request from a mobile switching center indicating whether the paging request is related to the emergency-related location service or the law enforcement-related service (i.e., specific Location Application, such as law enforcement or E911, can be assigned a POI with the value “allowed to override subscriber’s privacy setting”) (see col. 2, line 65 to col. 3, line 2).

8. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Havinis and Havinis II, further in view of Applicant’s admitted prior art (Admission) (Pub. No. US 2004/0180655).

Havinis discloses a method comprising receiving position request containing a field indicating whether the position request is related to at least one of emergency-related location service and law enforcement-related location service (see claim 8 rejection).

Although Havinis discloses a method as described above, Havinis does not specifically disclose a method wherein the receiving the position request comprises receiving an InterSystemPositionRequest INVOKE (ISPOSREQ) message containing a CTYP field.

However, Applicant’s admitted prior art (admission) discloses standards wherein the MSC may receive the InterSystemPositionRequest INVOKE (ISPOSREQ) message, which may contain a CTYP field (see admission page 1, paragraph 6).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have a received position request, which comprises receiving

InterSystemPositionRequest INVOKE (ISPOSREQ) that contains a CTYP field to better identify the Location Application.

9. Claims 12, 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Havinis and Havinis II, further in view of Applicant's admitted prior art (Admission) (Pub. No. US 2004/0180655).

Regarding claim 12, Havinis discloses a method as described above (see claim 11 rejection).

Although Havinis discloses a method as described, Havinis does not specifically disclose a method wherein sending the PDDM message comprises sending an TIA/EIA/IS-801 PDDM message.

However, Applicant's admitted prior art (admission) discloses that the TIA/EIA/IS-801 standard defines protocol messaging conveyed between the mobile station and the PDE that includes positioning determination data messages see admission page 1, paragraph 7).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to send a location determination message that comprises sending an TIA/EIA/IS-801 message. Moreover, it appears that the sending of the position determination message disclosed by Havinis would have been sent whether or not the sending of the message comprises sending TIA/EIA/IS-801 PDDM message. Also, Applicant has not disclosed that sending a message comprising an TIA/EIA/IS-801 PDDM message solves or accomplishes any stated problem. Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention to have considered that sending a location determination message that comprises

sending an TIA/EIA/IS-801 message because such request message would have been a mere design consideration which fails to patentably distinguish over the prior art of Havinis.

Regarding claim 14, Havinis discloses a method comprising receiving position request containing a field (see claim 13 rejection).

Although Havinis discloses a method as described above, Havinis does not specifically disclose a method wherein receiving the position request containing the field comprises receiving a GeoPositionRequest INVOKE (GPOSREQ) message containing a CTYP field.

However, Applicant's admitted prior art (admission) discloses a method wherein receiving the position request containing the field comprises receiving a message containing a CTYP field (see page 1, paragraph 6). Also, applicant has not disclosed that having a receiving position request comprising receiving a GeoPositionRequest INVOKE (GPOSREQ) message solves or accomplishes any stated problem. Moreover, it appears that the request message disclosed by Havinis would have been received whether or not the received message comprises a GeoPositionRequest INVOKE (GPOSREQ) message.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to consider sending a position request message comprising a GeoPositionRequest INVOKE (GPOSREQ) message because such sending request message would have been a mere design consideration which fails to patentably distinguish over the prior art of Havinis.

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pierre-Louis Desir whose telephone number is (571) 272-779. The examiner can normally be reached on Monday-Friday 8:00AM- 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Pierre-Louis Desir
05/11/2006


JOSEPH FEILD
SUPERVISORY PATENT EXAMINER